

R E M A R K S

Claims 1, 2, 3, 6, 9 and 18-42 are pending in this application. Claims 4, 5, 7, 8 and 10-17 have been canceled. Claims 18-42 have been added. No new matter has been added by way of the above amendments. For example, claims 1 and 6 have been amended to limit the catalyst compound to a zirconium compound. New claims 18-32 correspond to original claims 1-17, wherein the subject matter of claims 11 and 12 has been placed in independent format. New claims 33-42 correspond to original claims 1-10, wherein the subject matter of claims 16 and 17 has been placed in independent format. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections of all the currently pending claims.

Issues under 35 U.S.C. 103(a)

The Examiner has rejected claims 1-10 and 13-15 under 35 U.S.C. 103(a) as being obvious over JP 11-228491 (hereinafter referred to as JP '491) in view of Ishihara et al., Science, Volume 290 (November 10, 2000) (hereinafter referred to as Ishihara). Applicants respectfully traverse.

First, Applicants note that the primary reference of JP '491 fails to suggest or disclose any Lewis acid or zirconium compound. Thus, the Examiner cites Ishihara, which discloses zirconium compounds. However, Ishihara does not disclose zirconium compounds

in the positive sense. In particular, Ishihara clearly discloses, in particular at Table 1, page 1140, that Zr(OEt)<sub>4</sub> is inert in the esterification reaction.

Accordingly, both of JP '491 and Ishihara fail to suggest or disclose to one of ordinary skill in the art to combine the teachings of the two documents and arrive at the presently claimed subject matter. In particular, Applicants draw the Examiner's attention to the fact that claims 1-3, 6 and 9 require that the catalyst compound be a zirconium compound. In addition, Dimmock et al., submitted concurrently herewith with an Information Disclosure Statement, discloses that zirconium compounds are harmful to a cyclopropane compound. Thus, in view of the teaching of Dimmock et al., a person of ordinary skill in the art would not apply a catalyst of Ishihara to the esterification of the cyclo-propane-carboxylic acid compound with a reasonable expectation of success. Accordingly, the process according to claims 1-3, 6 and 9 is not obvious over JP '491 in view of Ishihara.

Regarding new claims 18-32, Applicants note that these claims include the subject matter of claims 11 and 12, indicated by the Examiner to be allowable, if placed into independent format. Moreover, new claims 33-42 include the subject matter of claims 16 and 17, also indicated by the Examiner to be allowable. Accordingly, Applicants respectfully submit that all pending claims

are in condition for allowance. Reconsideration and withdrawal of all rejections are therefore requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below.

**Attached hereto is a marked-up version of the changes made to the application by this Amendment.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

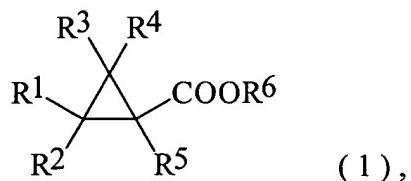
(Rev. 02/20/02)

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS:

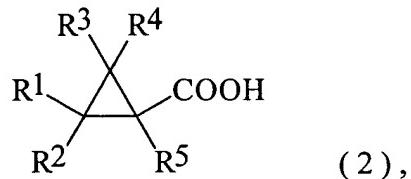
Claims 4, 5, 7, 8 and 10-17 have been canceled.

The claims have been amended as follows:

Claim 1. (Amended) A process for producing a cyclopropanecarboxylate of formula (1):



which process comprises reacting cyclopropanecarboxylic acid of formula (2):



with a monohydroxy compound of formula (3):

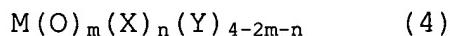


in the presence of

a [catalyst] zirconium compound [comprising an element of to Group 4 of the Periodic Table of Elements],  
 wherein R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup>, and R<sup>5</sup> independently represent  
 a hydrogen atom, a halogen atom,

an alkyl group which may be substituted,  
an alkenyl group which may be substituted,  
an alkynyl group which may be substituted, or  
an aryl group which may be substituted; and  
 $R^6$  represents  
an alkyl group which may be substituted, or  
an aryl group which may be substituted.

Claim 6. (Amended) A process according to claim [4 or 5] 1, 2  
or 3, wherein the [catalyst] zirconium compound is a compound  
represented by formula (4):



wherein M represents [an element of Group 4 of the Periodic Table  
of Elements] zirconium; X and Y independently represent a halogen  
atom, an alkoxy group, an acetylacetone group, an acyloxy group,  
an amino group which may be substituted with up to two alkyl  
groups, or a cyclopentadienyl group; and m is equal to 0 or 1, and  
n is equal to 0, 1, or 2.

Claim 9. (Amended) A process according to claim [7], 6  
wherein the zirconium compound is zirconium tetrachloride, a  
zirconocene compound, or zirconium alkoxide.

Claims 18-42 have been added.